



STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Olin Hunt Specialty Products, Inc.)	
1186 Lower River Road)	Docket No. HWCA P3-01/02-015
P.O. Box 248)	
Charleston, TN 37310-0248)	
)	
Respondents:)	
)	
Olin Hunt Specialty Products, Inc.)	
1186 Lower River Road)	
P.O. Box 248)	
Charleston, TN 37310-0248)	
)	
Philip A. Hunt Chemical Corporation)	ENFORCEMENT ORDER
(Aka Olin Corporation))	FOR CORRECTIVE
1186 Lower River Road)	ACTION
P.O.Box 248)	
Charleston, TN 37310-0248)	Health and Safety
)	Code Section 25187
Tuneup Masters)	
810 Greenview Drive)	
Grandprairie, TX 75050)	
)	
Man Chao Chin)	
368 Valley Circle)	
Monrovia, CA 91016)	
)	
Tim Black Trust)	
1811 Ladera Vista Place)	
Fullerton, CA 92831)	
_____)	

INTRODUCTION

1.1 **Parties.** The State Department of Toxic Substances Control (DTSC) issued this Enforcement Order for Corrective Action (order) to Olin Hunt Specialty Products, Inc. (Respondent I), Philip A. Hunt Chemical Corporation, also known as Olin Corporation, (Respondent II), Tune-up Masters (Respondent III), Man Chao Chin (Respondent IV), and Tim Black Trust (Respondent V), hereinafter collectively referred to as "Respondents".

1.2 **Permitting status.** Respondents are the owner and/or operator of a hazardous waste management facility, known as Olin Hunt Speciality Products, located at 4221-4225 and 4265 Charter Street, Vernon, California 90058 (Facility). The Facility engaged in the management of hazardous waste pursuant to a hazardous waste facility Permit issued by the Department of Health Services, which was DTSC's predecessor agency. On April 22, 1990, Respondent I operated the Facility under the same EPA ID number at two addresses: 4225 and 4265 Charter Street Vernon, California (see Figure 2-1. 2.2)

The hazardous waste management units at the Facility were certified as closed by Respondent 1 on August 9, 1993 and the closure certification was acknowledged by DTSC on August 19, 1993. The authorization of Respondent I to operate the Facility as a hazardous waste facility ended on August 19, 1993.

1.3 **Jurisdiction.** Jurisdiction exists pursuant to Health and Safety Code (HSC) section 25187, which authorizes DTSC to issue an order to require corrective action when DTSC determines that there is or has been a release of hazardous waste

or hazardous waste constituents into the environment from a hazardous waste facility.

1.4 Definition of Terms. The terms used in this Order are as defined in section 66260.10 of Title 22 of the California Code of Regulations (Cal. Code Regs.), except as otherwise provided.

1.5 Attachments. All attachments to this Order are incorporated herein by this reference.

FINDINGS OF FACT

2.1 The Facility consists of two parcels. The 1.3-acre former manufacturing portion of the Facility, located at 4225 Charter Street (Tax Assessors ID 6304 021 014), included a warehouse, a building which housed a wastewater treatment unit, several aboveground tanks, and an underground tank. The second portion of the Facility, at 4265 Charter Street (Tax Assessors ID 6304 021 013), was comprised of a waste storage area, an office building, and a warehouse. The storage area had the capacity to store 1,000 55 gallon drums.

2.2 Respondents are the current and past owners and/or operators of the Facility. From 1961 to 1985, Respondent I operated the 4225 Charter Street portion of the Facility (Tax Assessors ID 6304 021 014) when the property was owned by Respondent II, which was the parent company of Respondent I. Respondent I also leased 4265 Charter Street portion of the Facility (Tax Assessors ID 6304 021 013) from Respondent II. The ownership of the property located at 4265 Charter Street was transferred to Kruse W. Harvey and Scott McDonald in 1990 and then transferred to Respondent V in 1997. The ownership of the property located at 4225 Charter Street

was transferred to Respondent III in 1986, transferred to Respondent 6 in 1994, and then transferred to Respondent in 1998.

2.3 As part of the U.S. Environmental Protection Agency's (U.S. EPA) Environmental Priorities Initiative (EPI) Program, U.S. EPA completed a Preliminary Assessment (PA) of the Facility on October 20, 1990. The PA identified three principal areas of concern (AOCs). Additional solid waste management units (SWMUs) and AOCs were revealed in DTSC's review of the August 1994 closure activities and the additional Soil Investigation Report. Based on the information available, DTSC has determined that there has or may have been a release of hazardous waste or hazardous waste constituents into the environment from the SWMUs and AOCs listed in Tables 1 and 2 below:

TABLE 1 SOLID WASTE MANAGEMENT UNITS OLIN HUNT SPECIALITY PRODUCTS, INC. VERNON, CALIFORNIA		
Unit	Unit Name	Unit Description
1	Waste Water Treatment Unit Tank No. 1 (Clarifier)	[Located at 4221/4225 Charter Street] Consists of a four-compartment 3,000-gallon clarifier-underground storage tank and associated piping

2	Tank No. 2 (Reaction/Settling Tank)	[Located at 4221/4225 Charter Street] Consists of a dual-compartment 750-gallon Reaction/Settling underground storage tank and associated piping
3	Waste Water Treatment Unit Tank No. 3 (Retention Tank)	[Located at 4221/4225 Charter Street] Consists of a 1,300-gallon Retention underground storage tank and associated piping
4	Waste Water Treatment Unit (Lift Station)	[Located at 4221/4225 Charter Street] Consists of a lift station and associated piping
5	Waste Water Treatment Unit (Sampling and Flow Meter Box)	[Located at 4221/4225 Charter Street] Consists of a sampling and flow meter box and associated piping
6	Aluminum Sulfate Storage Tank	(Located at 4221/4225 Charter Street) Consists of a 6000-gallon aluminum sulphate (alum) underground storage tank and associated piping situated below the floor of the truck dock
7	Ferric Chloride Production Sump	(Located at 4221/4225 Charter Street) Consists of a below-grade brick-lined concrete sump and associated piping
8	Drum Storage Area	(Located at 4265 Charter Street) Asphalt-surfaced, unsheltered, unbermed, 1000-drum capacity

9	Photo Manufacturing and OC Laboratory Waste-water Clarifier (Photo Sewer Clarifier)	(Located at 4221/4225 Charter Street) Consists of an underground clarifier and associated piping
10	Alkaline Etchant Manufacturing Waste- water Clarifier (Ammonia Clarifier)	(Located at 4221/4225 Charter Street) Consists of an underground clarifier and associated piping which accepted alkaline etchant manufacturing area waste water and run-off from the dock area
11	Interceptor Pit (Clarifier)	(Located at 4221/4225 Charter Street) Consists of an underground clarifier and associated piping which received discharge from floor drains

<p style="text-align: center;">TABLE 2</p> <p style="text-align: center;">AREAS OF CONCERN</p> <p style="text-align: center;">OLIN HUNT SPECIALITY PRODUCTS, INC.</p> <p style="text-align: center;">VERNON, CALIFORNIA</p>		
Unit	Unit Name	Unit Description
1	Toner Collection (Holding) Trenches	(Located at 4221/4225 Charter Street) Consists of trenches to collect spillage from the processing and packaging operations and wash-down from the processing equipment
2	Truck-wash Trench	(Located at 4221/4225 Charter Street) Consists of a trench-drain and associated piping
3	Building Floor-drain System	(Located at 4221/4225 Charter Street) Consists of floor drains and associated piping
4	Recovery Pit Trench Drain	(Located at 4221/4225 Charter Street) Consists of trench drain and associated piping
5	"Active" Sewer line	(Located at 4221/4225 Charter Street) Consists of sewer line from clarifier to main street sewer line

2.4 Based on the information available, including the PA, DTSC concludes that further investigation is needed to determine the nature and extent of contamination in the SWMUs and AOCs listed above in Tables 1 and 2.

2.5 Hazardous wastes or hazardous waste constituents have migrated or may migrate from the Facility into the environment through soil, surface water, ground water,

and air pathways.

2.6 The Facility had three principal product manufacturing operations: ammonia-based alkaline etchant for the circuit board manufacturing industry; ferric chloride-based etchant for the circuit board and chemical milling industries; and liquid toners for copy machines. These products were stored and distributed from the Facility. The hazardous waste and hazardous waste constituents of concern at the Facility include: Chromic and sulfuric acid, ammonium chloride, ammonium hydroxide (aqua ammonia), copper, lead, nickel, trivalent and hexavalent chromium, ferric chloride, miscellaneous solutions, liquid toners, and various virgin inorganic and organic compounds such as solvents for parts cleaning.

2.7 The Facility is bounded on the south by Charter Street, on the north by Union Pacific Railroad, on the east and west by additional industrial sites. The Facility is located in the Coastal Plain of the Los Angeles County Basin. A shallow “semi-perched” aquifer, the Gaspur Aquifer, and the underlying Exposition and Gardena Aquifers are reportedly interconnected within 1 mile of the Facility, which means that any contaminants discharged through the vadose zone into the semi-perched aquifer could migrate into the lower aquifer units. The June 13, 1994, Basin Plan of the Los Angeles Regional Water Quality Control Board (LARWQCB) indicates that the ground water beneath the Facility is beneficial for municipal uses.

2.8 Releases from the Facility may have migrated through the vadose zone either toward air and/or surface and ground water since some of the contaminants identified in the previous sampling are mobile in gas or dissolved-phases.

WORK TO BE PERFORMED

Based on the foregoing FINDINGS OF FACT, IT IS HEREBY
ORDERED THAT:

3.1. Respondents shall perform the work required by this Order in a manner consistent with: the attached Scopes of Work; DTSC-approved RCRA Facility Investigation Workplan, Corrective Measures Study Workplan, Corrective Measures Implementation Workplan, and any other DTSC-approved Workplans; HSC and other applicable state and federal laws and their implementing regulations; and applicable DTSC or USEPA guidance documents. Applicable guidance documents include, but are not limited to, the "RCRA Facility Investigation (RFI) Guidance" (Interim Final, May 1989, EPA 530/SW-89-031), "RCRA Groundwater Monitoring Technical Enforcement Guidance Document" (OSWER Directive 9950.1, September 1986), "Test Methods For Evaluating Solid Waste" (SW-846), and "Construction Quality Assurance for Hazardous Waste Land Disposal Facilities" (EPA 530/SW-85-031, July 1986).

3.2. Interim Measures (IM).

3.2.1. Respondents shall evaluate available data and assess the need for interim measures in addition to those specifically required by this Order. Interim measures shall be used whenever possible to control or abate immediate threats to human health and/or the environment, and to prevent and/or minimize the spread of contaminants while long-term corrective action alternatives are being evaluated.

3.2.2. Respondents shall submit a Current Conditions Report to DTSC in accordance with Section 3.3.1. of this Order. The Current Conditions Report shall

contain an assessment of interim measures. The assessment must include both previously implemented interim measures and other interim measures that could be implemented at the Facility. The assessment must also identify any additional data needed for making decisions on interim measures. This new data or information shall be collected during the early stages of the RCRA Facility Investigation. DTSC will review the Respondents' assessment and determine which interim measures, if any, Respondents will implement at the Facility. If deemed appropriate by DTSC, such determination may be deferred until additional data are collected.

Within ninety (90) calendar days of the effective date of this Order, Respondents shall submit to DTSC a Workplan for the implementation of Interim Measures ("IM Workplan"). The IM Workplan is subject to approval by DTSC and shall provide for the performance of all Interim Measures necessary to achieve stabilization at the Facility. The IM Workplan shall include a schedule for submitting to DTSC an IM Operation and Maintenance Plan and IM Plans and Specifications. The IM Workplan, IM Operation and Maintenance Plan, and IM Plans and Specifications shall be developed in a manner consistent with the Scope of Work for Interim Measures Implementation appended as Attachment A.

3.2.3. In the event Respondents identify an immediate or potential threat to human health and/or the environment, discover new releases of hazardous waste and/or hazardous waste constituents, or discover new solid waste management units not previously identified, Respondents shall notify the DTSC Project Coordinator orally within 48 hours of discovery and notify DTSC in writing within ten (10) calendar days of

discovery summarizing the findings, including the immediacy and magnitude of the potential threat to human health and/or the environment. Within sixty (60) calendar days of receiving DTSC's written request, Respondents shall submit to DTSC an IM Workplan for approval. The IM Workplan shall include a schedule for submitting to DTSC an IM Operation and Maintenance Plan and IM Plans and Specifications. The IM Workplan, IM Operation and Maintenance Plan, and IM Plans and Specifications shall be developed in a manner consistent with the Scope of Work for Interim Measures Implementation appended as Attachment. If DTSC determines that immediate action is required, the DTSC Project Coordinator may orally authorize the Respondents to act prior to DTSC's receipt of the IM Workplan.

3.2.4. If DTSC identifies an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous waste constituents, or discovers new solid waste management units not previously identified, DTSC will notify Respondents in writing. Within sixty (60) calendar days of receiving DTSC's written notification, Respondents shall submit to DTSC for approval an IM Workplan that identifies Interim Measures that will mitigate the threat. The IM Workplan shall include a schedule for submitting to DTSC an IM Operation and Maintenance Plan and IM Plans and Specifications. The IM Workplan, IM Operation and Maintenance Plan, and IM Plans and Specifications shall be developed in a manner consistent with the Scope of Work for Interim Measures Implementation appended as Attachment A. If DTSC determines that immediate action is required, the DTSC Project Coordinator may orally authorize Respondents to act prior to receipt of

the IM Workplan.

3.2.5. All IM Workplans shall ensure that the Interim Measures are designed to mitigate current or potential threats to human health and/or the environment, and should, to the extent practicable, be consistent with the objectives of, and contribute to the performance of, any remedy which may be required at the Facility.

3.2.6. Concurrent with the submission of an IM Workplan, Respondents shall submit to DTSC a Health and Safety Plan in accordance with the Scope of Work for a Health and Safety Plan, Attachment B.

3.2.7. Concurrent with the submission of an IM Workplan, Respondents shall submit to DTSC a Community Profile for DTSC approval in accordance with Attachment D. Based on the information provided in the Community Profile, if DTSC determines that there is a high level of community concern about the Facility, DTSC may require Respondents to prepare a Public Participation Plan.

3.3. RCRA Facility Investigation (RFI).

3.3.1. Within ninety (90) calendar days of the effective date of this Order, Respondents shall submit to DTSC a Current Conditions Report and a Workplan for a RCRA Facility Investigation ("RFI Workplan"). The Current Conditions Report and RFI Workplan are subject to approval by DTSC and shall be developed in a manner consistent with the Scope of Work for a RCRA Facility Investigation contained in Attachment C. DTSC will review the Current Conditions Report and RFI Workplan and notify Respondents in writing of DTSC's approval or disapproval.

3.3.2. The RFI Workplan shall detail the methodology to: (1) gather data

needed to make decisions on interim measures/ stabilization during the early phases of the RCRA Facility Investigation; (2) identify and characterize all sources of contamination; (3) define the nature, degree and extent of contamination; (4) define the rate of movement and direction of contamination flow; (5) characterize the potential pathways of contaminant migration; (6) identify actual or potential human and/or ecological receptors; and (7) support development of alternatives from which a corrective measure will be selected by DTSC. A specific schedule for implementation of all activities shall be included in the RFI Workplan.

3.3.3. Respondents shall submit a RFI Report to DTSC for approval in accordance with DTSC-approved RFI Workplan schedule. The RFI Report shall be developed in a manner consistent with the Scope of Work for a RCRA Facility Investigation contained in Attachment C. If there is a phased investigation, separate RFI Reports and a report that summarizes the findings from all phases of the RFI must be submitted to DTSC. DTSC will review the RFI Report(s) and notify Respondents in writing of DTSC's approval or disapproval.

3.3.4. Concurrent with the submission of a RFI Workplan, Respondents shall submit to DTSC a Health and Safety Plan in accordance with Attachment. If Workplans for both an IM and RFI are required by this Order, Respondents may submit a single Health and Safety Plan that addresses the combined IM and RFI activities.

3.3.5. Respondents shall submit a RFI Summary Fact Sheet to DTSC that summarizes the findings from all phases of the RFI. The RFI Summary Fact Sheet shall be submitted to DTSC in accordance with the schedule contained in the approved

RFI Workplan. DTSC will review the RFI Summary Fact Sheet and notify Respondents in writing of DTSC's approval or disapproval, including any comments and/or modifications. When DTSC approves the RFI Summary Fact Sheet, Respondents shall mail the approved RFI Summary Fact Sheet to all individuals on the Facility mailing list established pursuant to 22 Cal. Code Regs. section 66271.9(c)(1)(D), within fifteen (15) calendar days of receipt of written approval.

3.3.6. Concurrent with the submission of a RFI Workplan, Respondents shall submit to DTSC a Community Profile for DTSC approval in accordance with Attachment D. Based on the information provided in the Community Profile, if DTSC determines that there is a high level of community concern about the Facility, DTSC may require Respondents to prepare a Public Participation Plan.

3.4. Corrective Measures Study (CMS).

3.4.1. Respondents shall prepare a Corrective Measures Study if contaminant concentrations exceed current health-based action levels and/or if DTSC determines that the contaminant releases pose a potential threat to human health and/or the environment.

3.4.2. Within thirty (30) calendar days of DTSC's approval of the RFI Report (or of Respondents' receipt of a written request from DTSC), Respondents shall submit a CMS Workplan to DTSC. The CMS Workplan is subject to approval by DTSC and shall be developed in a manner consistent with the Scope of Work for a Corrective Measures Study contained in Attachment E.

3.4.3. The CMS Workplan shall detail the methodology for developing and

evaluating potential corrective measures to remedy any contamination at the Facility. The CMS Workplan shall identify the potential corrective measures, including any innovative technologies, that may be used for the containment, treatment, remediation, and/or disposal of contamination.

3.4.4. Respondents shall prepare treatability studies for all potential corrective measures that involve treatment except where Respondents can demonstrate to DTSC's satisfaction that they are not needed. The CMS Workplan shall include, at a minimum, a summary of the proposed treatability study including a conceptual design, a schedule for submitting a treatability study workplan, or Respondent's justification for not proposing a treatability study.

3.4.5. Respondents shall submit a CMS Report to DTSC for approval in accordance with DTSC-approved CMS Workplan schedule. The CMS Report shall be developed in a manner consistent with the Scope of Work for a Corrective Measures Study contained in Attachment E. DTSC will review the CMS Report and notify Respondents in writing of DTSC's approval or disapproval.

3.5. Remedy Selection.

3.5.1. DTSC will provide the public with an opportunity to review and comment on the final draft of the CMS Report, DTSC's proposed corrective measures for the Facility, and DTSC's justification for selection of such corrective measures.

3.5.2. Following the public comment period, DTSC may select final corrective measures or require Respondents to revise the CMS Report and/or perform additional corrective measures studies.

3.5.3. DTSC will notify Respondents of the final corrective measures selected by DTSC in the Final Decision and Response to Comments. The notification will include DTSC's reasons for selecting the corrective measures.

3.6. Corrective Measures Implementation (CMI).

3.6.1. Within ninety (90) calendar days of Respondents' receipt of notification of DTSC's selection of the corrective measures, Respondents shall submit to DTSC a Corrective Measures Implementation (CMI) Workplan. The CMI Workplan is subject to approval by DTSC and shall be developed in a manner consistent with the Scope of Work for Corrective Measures Implementation contained in Attachment F.

3.6.2. Concurrent with the submission of a CMI Workplan, Respondents shall submit to DTSC a Health and Safety Plan in accordance with Attachment B.

3.6.3. Concurrent with the submission of a CMI Workplan, Respondents shall submit to DTSC a Community Profile for DTSC approval in accordance with Attachment. Based on the information provided in the Community Profile, if DTSC determines that there is a high level of community concern about the Facility, DTSC may require Respondents to prepare a Public Participation Plan.

3.6.4. The CMI program shall be designed to facilitate the design, construction, operation, maintenance, and monitoring of corrective measures at the Facility. In accordance with the schedule contained in the approved CMI Workplan, Respondents shall submit to DTSC the documents listed below. These documents shall be developed in a manner consistent with the Scope of Work for Corrective Measures Implementation contained in Attachment F.

3.6.5. DTSC will review all required CMI documents and notify Respondents in writing of DTSC's approval or disapproval.

3.6.6. As directed by DTSC, Respondents shall establish a financial assurance mechanism for Corrective Measures Implementation. The financial assurance mechanisms may include a performance or surety bond, liability insurance, an escrow performance guarantee account, a trust fund, financial test, or corporate guarantee as described in 22 Cal. Code Regs. section 66265.143 or any other mechanism acceptable to DTSC. The mechanism shall be established to allow DTSC access to the funds to undertake Corrective Measures Implementation tasks if Respondents are unable or unwilling to undertake the required actions.

OTHER REQUIREMENTS AND PROVISIONS

4.1. Project Coordinator. Within fourteen (14) calendar days of the effective date of this Order, DTSC and Respondents shall each designate a Project Coordinator and shall notify each other in writing of the Project Coordinator selected. Each Project Coordinator shall be responsible for overseeing the implementation of this Order and for designating a person to act in his/her absence. All communications between Respondents and DTSC, and all documents, report approvals, and other correspondence concerning the activities performed pursuant to this Order shall be directed through the Project Coordinators. Each party may change its Project Coordinator with at least seven (7) calendar days prior written notice.

4.2. Department Approval.

4.2.1. Respondents shall revise any workplan, report, specification, or schedule

in accordance with DTSC's written comments. Respondents shall submit to DTSC any revised documents by the due date specified by DTSC. Revised submittals are subject to DTSC's approval or disapproval.

4.2.2. Upon receipt of DTSC's written approval, Respondents shall commence work and implement any approved workplan in accordance with the schedule and provisions contained therein.

4.2.3. Any Department approved workplan, report, specification, or schedule required by this Order shall be deemed incorporated into this Order.

4.2.4. Verbal advice, suggestions, or comments given by DTSC representatives will not constitute an official approval or decision.

4.3. Submittals.

4.3.1. Beginning with the first full month following the effective date of this Order, Respondents shall provide DTSC with monthly progress reports of corrective action activities conducted pursuant to this Order. Progress reports are due on the Fifteen of the month. The progress reports shall conform to the Scope of Work for Progress Reports contained in Attachment C. DTSC may adjust the frequency of progress reporting to be consistent with site-specific activities.

4.3.2. Any report or other document submitted by Respondents pursuant to this Order shall be signed and certified by the project coordinator, a responsible corporate officer, or a duly authorized representative.

4.3.3. The certification required above, shall be in the following form:

I certify that the information contained in or accompanying this submittal is

true, accurate, and complete. As to those portions of this submittal for which I cannot personally verify the accuracy, I certify that this submittal and all attachments were prepared at my direction in accordance with procedures designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Signature: _____

Name: _____

Title: _____

Date: _____

4.3.4. Respondents shall provide two copies of all documents, including but not limited to, workplans, reports, and correspondence of fifteen (15) pages or longer.

Submittals specifically exempted from this copy requirement are all progress reports and correspondence of less than 15 pages, of which one copy is required.

4.3.5. Unless otherwise specified, all reports, correspondence, approvals, disapprovals, notices, or other submissions relating to this Order shall be in writing and shall be sent to the current Project Coordinators.

4.4. Proposed Contractor/Consultant.

All work performed pursuant to this Order shall be under the direction and supervision of a professional engineer or registered geologist, registered in California, with expertise in hazardous waste site cleanup. Respondents' contractor or consultant shall have the technical expertise sufficient to fulfill his or her responsibilities. Within fourteen (14) calendar days of the effective date of this Order, Respondents shall notify the DTSC Project Coordinator in writing of the name, title, and qualifications of the professional engineer or registered geologist and of any contractors or consultants and

their personnel to be used in carrying out the requirements of this Order. DTSC may disapprove of Respondents' contractor and/or consultant.

4.5. Quality Assurance.

4.5.1 All sampling and analyses performed by Respondents under this Order shall follow applicable Department and USEPA guidance for sampling and analysis. Workplans shall contain quality assurance/quality control and chain of custody procedures for all sampling, monitoring, and analytical activities. Any deviations from the approved workplans must be approved by DTSC prior to implementation, must be documented, including reasons for the deviations, and must be reported in the applicable report (e.g., RFI Report).

4.5.2. The names, addresses, and telephone numbers of the California State certified analytical laboratories Respondents proposes to use must be specified in the applicable workplans.

4.5.3. All workplans required under this Order shall include data quality objectives for each data collection activity to ensure that data of known and appropriate quality are obtained and that data are sufficient to support their intended uses.

4.5.4. Respondents shall monitor to ensure that high quality data are obtained by its consultant or contract laboratories. Respondents shall ensure that laboratories used by Respondents for analysis perform such analysis according to the latest approved edition of "Test Methods for Evaluating Solid Waste, (SW-846)", or other methods deemed satisfactory to DTSC. If methods other than USEPA methods are to be used, Respondent shall specify all such protocols in the applicable workplan (e.g.,

RFI Workplan). DTSC may reject any data that do not meet the requirements of the approved workplan, USEPA analytical methods, or quality assurance/quality control procedures, and may require resampling and analysis.

4.5.5. Respondents shall ensure that the California State certified laboratories used by Respondents for analyses have a quality assurance/quality control program. DTSC may conduct a performance and quality assurance/quality control audit of the laboratories chosen by Respondents before, during, or after sample analyses. Upon request by DTSC, Respondents shall have its selected laboratory perform analyses of samples provided by DTSC to demonstrate laboratory performance. If the audit reveals deficiencies in a laboratory's performance or quality assurance/quality control procedures, resampling and analysis may be required.

4.6. Sampling and Data/Document Availability.

4.6.1. Respondents shall submit to DTSC upon request the results of all sampling and/or tests or other data generated by its employees, agents, consultants, or contractors pursuant to this Order.

4.6.2. Notwithstanding any other provisions of this Order, DTSC retains all of its information gathering and inspection authority and rights, including enforcement actions related thereto, under HSC, and any other state or federal statutes or regulations.

4.6.3. Respondents shall notify DTSC in writing at least seven (7) calendar days prior to beginning each separate phase of field work approved under any workplan required by this Order. If Respondents believe they must commence emergency field

activities without delay, Respondents may seek emergency telephone authorization from DTSC Project Coordinator or, if the Project Coordinator is unavailable, his/her Branch Chief, to commence such activities immediately.

4.6.4. At the request of DTSC, Respondents shall provide or allow DTSC or its authorized representative to take split or duplicate samples of all samples collected by Respondents pursuant to this Order. Similarly, at the request of Respondents, DTSC shall allow Respondents or their authorized representative to take split or duplicate samples of all samples collected by DTSC under this Order.

4.7. Access.

4.7.1. Subject to the Facility's security and safety procedures, Respondents shall provide DTSC and its representatives access at all reasonable times to the Facility and any other property to which access is required for implementation of this Order and shall permit such persons to inspect and copy all records, files, photographs, documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to this Order and that are within the possession or under the control of Respondents or their contractors or consultants.

4.7.2. To the extent that work being performed pursuant to this Order must be done beyond the Facility property boundary, Respondents shall use their best efforts to obtain access agreements necessary to complete work required by this Order from the present owners of such property within thirty (30) days of approval of any workplan for which access is required. Best efforts as used in this paragraph shall include, at a minimum, a letter by certified mail from the Respondents to the present owners of such

property requesting an agreement to permit Respondents and DTSC and its authorized representatives access to such property and offering the payment by Respondents of reasonable sums of money in consideration of granting access. Any such access agreement shall provide for access to DTSC and its representatives. Respondents shall provide DTSC's Project Coordinator with a copy of any access agreements. In the event that an agreement for access is not obtained within thirty (30) calendar days of approval of any workplan for which access is required, or of the date that the need for access becomes known to Respondents, Respondents shall notify DTSC in writing within fourteen (14) calendar days thereafter regarding both the efforts undertaken to obtain access and its failure to obtain such agreements. DTSC may, at its discretion, assist Respondents in obtaining access.

4.7.3. Nothing in this section limits or otherwise affects DTSC's right of access and entry pursuant to any applicable state or federal law or regulation.

4.7.4. Nothing in this Order shall be construed to limit or otherwise affect Respondents' liability and obligation to perform corrective action including corrective action beyond the Facility boundary.

4.8. Record Preservation.

4.8.1. Respondents shall retain, during the implementation of this Order and for a minimum of six (6) years thereafter, all data, records, and documents that relate in any way to the implementation of this Order or to hazardous waste management and/or disposal at the Facility. Respondents shall notify DTSC in writing ninety (90) calendar days prior to the destruction of any such records, and shall provide DTSC with the

opportunity to take possession of any such records. Such written notification shall reference the effective date, caption, and docket number of this Order and shall be addressed to:

Jose Kou, P. E., Chief
Southern California Permitting Branch
Hazardous Waste Management Program
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, California 91201

4.8.2. If Respondent retain or employ any agent, consultant, or contractor for the purpose of complying with the requirements of this Order, Respondents will require any such agents, consultants, or contractors to provide Respondents a copy of all documents produced pursuant to this Order.

4.8.3. All documents pertaining to this Order shall be stored in a central location at the Facility to afford ease of access by DTSC and its representatives.

4.9. Change in Ownership. No change in ownership or corporate or partnership status relating to the Facility shall in any way alter Respondents' responsibility under this Order. No conveyance of title, easement, or other interest in the Facility, or a portion of the Facility, shall affect Respondent's obligations under this Order. Unless DTSC agrees that such obligations may be transferred to a third party, Respondents shall be responsible for and liable for any failure to carry out all activities required of Respondents by the terms and conditions of this Order, regardless of Respondents' use of employees, agents, contractors, or consultants to perform any

such tasks.

4.10. Notice to Contractors and Successors. Respondents shall provide a copy of this Order to all contractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order and shall condition all such contracts on compliance with the terms of this Order. Respondents shall give written notice of this Order to any successor in interest prior to transfer of ownership or operation of the Facility and shall notify DTSC at least seven (7) calendar days prior to such transfer.

4.11. Compliance with Applicable Laws. All actions required to be taken pursuant to this Order shall be undertaken in accordance with the applicable requirements of all local, state, and federal laws and regulations. Respondents shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

4.12. Costs. Respondents are liable for all costs associated with the implementation of this Order, including all costs incurred by DTSC in overseeing the work required by this Order.

4.13. Endangerment during Implementation. In the event that DTSC determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people at the Facility or in the surrounding area or to the environment, DTSC may order Respondents to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly

affected by an Order to Stop Work under this section shall be extended for the term of the Order to Stop Work.

4.14. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondents. Notwithstanding compliance with the terms of this Order, Respondents may be required to take further actions as are necessary to protect public health or welfare or the environment.

4.15. Government Liabilities. The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondents or related parties specified in section 4.19 in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondents or their agents in carrying out activities pursuant to the Order.

4.16. Additional Enforcement Actions. By issuance of this Order, DTSC does not waive the right to take further enforcement actions.

4.17. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondents pursuant to this Order are incorporated in this Order upon approval by DTSC.

4.18. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondents to costs, penalties, and/or punitive damages for any costs incurred by DTSC or other government agencies as a result of such failure, as provided by HSC section 25188 and other applicable provisions of law.

4.19. Parties Bound. This Order shall apply to and be binding upon Respondents, and their officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.20. Compliance with Waste Discharge Requirements. Respondents shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California Regional Water Quality Control Board.

4.21. Submittal Summary. Below is a summary of the major reporting requirements contained in this Order. The summary is provided as a general guide and does not contain all requirements. Please refer to the specific language of this Order for all the requirements.

<u>Section</u>	<u>Action</u>	<u>Due Date</u>
4.22	Implement approved Workplans	In accordance with schedules contained in approved Workplans
4.1	Designate Project Coordinator and notify DTSC in writing	14 days from effective date of Order
3.2.3	Notify DTSC orally of potential threats to human health	48 hours after discovery
3.2.3	Notify DTSC in writing of potential threats to human health	10 days after discovery
3.2	Submit Interim Measures Workplan, Health and Safety Plan, and Public Involvement	90 days from effective date of Order

Plan

- | | | |
|-------|---|--|
| 3.3 | Submit RFI Workplan, Current Conditions Report, Public Involvement Plan, and Health and Safety Plan | 90 days from effective date of Order |
| 3.4.2 | Submit CMS Workplan | 45 days after Department request |
| 3.6.1 | Submit CMI Workplan | 90 days from receipt of notification of DTSC selection of a corrective measure |
| 4.3 | Submit first Progress Report the month following of Order | Fifteen day of the effective date |
| 4.3 | Submit Progress Reports | Monthly |
| 4.4 | Notify DTSC in writing of contractors to carry out terms of Order | 14 days from effective date of Order |
| 4.6.3 | Notify DTSC of when field work starts | 7 days before each phase of field work |

RIGHT TO A HEARING

5.1 You may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondents.

EFFECTIVE DATE

6.1 This Order is final and effective twenty (20) calendar days from the date of mailing, which is the date of the cover letter transmitting the Order to you, unless you

request the hearing within twenty (20) calendar days.

Date of Issuance [06/28/02] [Original signed by]

Jose Kou, P. E., Chief
Southern California Permitting Branch
Hazardous Waste Management Program
Department of Toxic Substances Control